

## REMARKS

Claims 1-13 and 15-19 are pending in the application. No claims have been added. Claim 8 has been cancelled via the instant Amendment. Therefore, claims 1-7, 9-13 and 15-19 remain pending.

Reconsideration of this application, in view of the foregoing amendments and the following remarks, is respectfully requested.

### Claim Rejections under 35 USC §112

Claim 1 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 1 to define that total power consumption of the network is minimized by transmitting in increasing order of the receiving power consumption of the data transmission.

### Claim Rejections under 35 USC §103

Claim 1, and 8, are rejected under 35 U.S.C. §103(a) as being unpatentable over Agrawal et al. (U.S. Patent No. 6072784) in view of Benveniste (U.S. Patent Publication No. 2004/0264397 A1). Claims 2, 3, 4, 5, 6, 7, 9 and 10 are rejected as being unpatentable over Agrawal and other art. Applicant respectfully traverse these rejections.

Applicant has amended claim 1 to have the limitations of claims 1 and 8. The Examiner has cited Agrawal as having the limitation of ordering transmissions based on priority. Applicant has amended claim 1 to point out that the power consumption is based on calculations within the access point. Agrawal requires reports from the mobiles reporting low battery power level. This report further drains the batteries of the mobiles. The access points in accordance to a embodiment of the invention does not require such reporting from the mobiles.

Additionally, Applicant respectfully points out that a receiver may have a low power level and consume high power in receiving a packet and vice versa a receiver may have high power level and may consume less power in receiving the same packet. The power level of a receiving battery is different than the amount of power that may be consumed in receiving a particular

packet. Applicant has also added the limitation that at least one of the stations is a fixed wireless station. Applicant submits that claim 1 is in condition for allowance.

Claims 2-7, and 9 depend upon claim 1 and claim 10 depends upon claim 9. Thus, claims 1-7, 9, and 10 are all in condition for allowance.

The Examiner has rejected claims 11, 12, 13, 17 under 35 U.S.C. §103(a) as being unpatentable over Agrawal et al. (U.S. Patent No. 6072784) in view of Van Bokhorst et al. (U.S. Patent No. 6,192,230). Applicant respectfully traverse these rejections.

Applicant has amended claim 11 to point out that the power consumption is based on calculations within the access point. Additionally the total power consumption of the network is minimized by ordering the transmissions in increasing order of the receiving power consumptions. Agrawal schedules the transmissions based on the battery power level of the mobiles at not the power consume by receiving a transmission. Applicant submits that claim 11 is in condition for allowance.

Claims 12, 13, and 15-19 are dependent, directly or indirectly, upon claim 11. Thus, claims 12, 13, and 15-19 are also in condition for allowance.

Applicant believes this application and the claims herein to be in a condition for allowance. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicant.

Respectfully submitted:  
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